

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DIGITAL FILING SYSTEMS, L.L.C.,

Plaintiff(s),

v.

Case No. 03-70437  
Honorable Victoria A. Roberts

ADITYA INTERNATIONAL and  
AKHILESH AGARWAL, jointly and severally,

Defendant(s).

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**OPINION AND ORDER DENYING DEFENDANT'S**  
**MOTION TO REVIEW JUDGMENT**

**I. INTRODUCTION**

This matter is before the Court on Defendants' Motion to review judgment dated 07/20/2005. For the following reasons, the Court **DENIES** the Defendants' Motion.

**II. BACKGROUND**

This is an action for copyright infringement under the Copyright Act of 1976, 17 USC §§ 101 et. seq. In 1999, the Plaintiff, Digital Filing Systems, hired the Defendant, Aditya International, to enhance, add, modify and debug a computer software product it created. The Plaintiff alleged that subsequent to this agreement and after obtaining the Plaintiff's software product, the Defendants sold a computer software product under a different name, which incorporated the Plaintiff's software and/or was derived from it. The Plaintiff asserted three counts against the Defendants: (1) copyright infringement; (2) conversion; and (3) breach of contract. On April 22, 2005, the Court granted

Plaintiff's Motion for Default Judgment based on its findings that the Defendants failed to prosecute, and actively and unreasonably delayed the proceedings. [Doc. 41].

The Plaintiff filed a Motion for attorney fees, statutory fees and injunctive relief on May 5, 2005. [Doc. 38]. The Motion for fees and injunctive relief was granted on July 20, 2005. [Doc. 47]. The Defendants appealed both Orders to the Sixth Circuit. The appeal is pending.

### **III. APPLICABLE LAW AND ANALYSIS**

The Defendant's motion is untimely and without merit. Local rule 7.1 requires:

(g) Motions for Rehearing or Reconsideration.

(1) Time. A motion for rehearing or reconsideration must be filed within 10 days after entry of the judgment or order.

(2) No Response and No Hearing Allowed. No response to the motion and no oral argument are permitted unless the court orders otherwise.

(3) Grounds. Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. LR 7.1(g).

The judgment on which the Defendant seeks review was entered on July 20, 2005. This motion was filed November 1, 2005. The motion is untimely. In addition, the motion does not present any new arguments. The Defendant rehashes the issues previously decided. Therefore, the Defendant failed to satisfy the requirements of Local rule 7.1(g).

**IV. CONCLUSION**

For the foregoing reasons, the Court **DENIES** the Defendant's Motion to review judgment dated 07/20/2005.

**IT IS SO ORDERED.**

**S/Victoria A. Roberts**  
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**Victoria A. Roberts**  
**United States District Judge**

**Dated: November 28, 2005**

The undersigned certifies that a copy of this document was served on the attorneys of record and defendant by electronic means or U.S. Mail on November 28, 2005.

**s/Carol A. Pinegar**  
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**Deputy Clerk**